

April 10, 2006

The Common Council met immediately following the Water Utility Board on the above date in the Meeting Room at City Hall Annex with Mayor Knowles presiding and members Askren, Rueger, Angel and Cooper attending. Councilman Tucker was not present. Others attending were Supt. Gray; Comm. Epison; Chief Beloit; Chief Webber; Vicki Peerman; Attorney Funkhouser; Attorney Higgins; Shawn Flannigan and Judy Dicus Thomann - IDEM; Ronald Bradford; Sarah Clark; Garry Morris; Paula Rudibaugh; Tiffani Eisenhut - Mount Vernon Democrat; Larry Williams; Joe Rutledge; and arriving during the meeting, Ryan Harms.

Mayor Knowles called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. She added if not, she entertains a motion to waive their reading and to approve the minutes as presented.

Councilman Rueger moved the reading of the minutes be waived and they be approved as presented. Seconded by Councilman Angel.

Mayor Knowles stated all those in favor of the motion should signify in the affirmative; and following the vote, she reported the motion carried unanimously.

Garry Morris left the meeting.

Mayor Knowles reminded the Audience that anyone wishing to address the Council should approach the podium and state their name and the nature of their business.

Mayor Knowles stated they will now hear the reports of the Standing Committees.

Street & Light Chairman Angel stated he has no report.

Comm. Epison stated due to the city holiday on Friday, April 14, trash normally picked up on Friday will be picked up on Thursday. He added he has placed an ad in the paper to this effect and added they will also be going around on Monday getting any trash that may have been missed on Friday.

Comm. Epison then stated the Council has a flyer similar to what he sent the newspaper about Spring Clean-Up Week, May 15-20. He added there will once again be three dumpsters around town and they will try to have them located in the same places as they were last year. He concluded his report by stating he is putting together the street paving list and anyone with streets in their district that they would like to be considered should let him know.

Mayor Knowles asked if there were any questions ?

There were none.

Police & Dog Chairwoman Askren stated she has no report.

Chief Beloit stated Councilman Cooper has asked him to look into traffic at the Kimball Street/Bluff Road area in reference to the newly installed stop sign. He added he and other officers have studied the area on five different occasions and there were no warnings or citations of any kinds issued, folks seem to know it is there and they are stopping.

Mayor Knowles asked if there were any questions ?

There were none.

Fire Chairman Tucker was absent.

Chief Webber stated he has no report.

Mayor Knowles asked if there were any questions ?

There were none.

Sewer Chairman Rueger stated he has no report.

Mayor Knowles asked if there were any questions ?

There were none.

Mayor Knowles stated they have the Financial Report for March before them and any questions could be directed to Clerk-Treasurer Wolfe.

Mayor Knowles asked if Clerk-Treasurer Wolfe had any Communications for the Council?

Clerk-Treasurer Wolfe replied not at this time.

Mayor Knowles stated the first item on the Legal portion of the Agenda is the Public Hearing and second reading on the Ordinance Amending Utility Deposits to be Collected by the City of Mount Vernon, Indiana from the Customers Served by the Municipal Water Utility and Sewer Utility of the City of Mount Vernon., Indiana. She then opened the Public Hearing and asked if anyone in the Audience wished to addressed the Council concerning the ordinance ?

There was no response.

Attorney Higgins stated the water department placed stickers on all customers bills and reiterated that the residential and commercial users will pay \$66.00 on sewage deposit and \$100.00 on water deposits.

Mayor Knowles again asked if anyone wished to address the ordinance ?

There was no response.

Mayor Knowles then closed the Public Hearing.

Councilman Rueger moved ordinance Amending Utility Deposits to be Collected by City of Mount Vernon, Indiana from the Customers served by the Municipal Water Utility and Sewer Utility of the City of Mount Vernon, Indiana pass second reading. Seconded by Councilwoman Askren.

Mayor Knowles requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren - yes; Tucker - absent; Rueger - yes;

Angel - yes; Cooper - yes.

Mayor Knowles stated the motion carried.

Councilman Angel moved the rules be suspended. Seconded by Councilwoman Askren.

Mayor Knowles requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren - yes; Tucker - absent; Rueger - yes;

Angel - yes; Cooper - yes.

Mayor Knowles stated the motion carried.

Councilman Rueger moved the ordinance pass on final reading. Seconded by Councilman Cooper.

Mayor Knowles requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren - yes; Tucker - absent; Rueger - yes;

Angel - yes; Cooper - yes.

Mayor Knowles stated the motion carried.

Clerk-Treasurer Wolfe added it will be numbered 06-11.

Mayor Knowles stated the next item is the possible third reading of the proposed Bluff Road/Kimball Street Ordinance.

Councilman Rueger moved the ordinance be killed. Seconded by Councilman Angel.

Mayor Knowles requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren - yes; Tucker - absent; Rueger - yes;

Angel - yes; Cooper - yes.

Mayor Knowles stated the motion carried unanimously.

Mayor Knowles stated the next item for consideration is the Ordinance of the Common Council of the City of Mount Vernon, Indiana, Ratifying Certain Agreements in Lieu of Annexation and Establishing a Rainy Day Fund Pursuant to Indiana Code 36-1-8-5.1.

Councilman Rueger moved the ordinance pass second reading. Seconded by Councilman Cooper.

Mayor Knowles asked if there was any discussion ?

Attorney Higgins stated she received a copy of said ordinance after the last meeting and Council might want to consider a change in paragraph 5, as the fund must comply with the appropriation process.

Mayor Knowles replied that Attorney Higgins missed the last meeting when Mr. Janak discussed that.

Attorney Higgins stated the state statute says the Council *MUST* appropriate any money spent from the fund, the ordinance says *MAY*.

Mayor Knowles again stated that Mr. Janak discussed that at the last meeting and it is no different than any other budget, in reference to the appropriation process.

Councilman Cooper asked if they could amend it in the third reading to *SHALL* in paragraph 5 ?

Attorney Higgins replied yes, and that is the only suggestion that she has there are no other problems.

Mayor Knowles then requested a roll call vote.

Roll was called by Clerk-Treasurer Wolfe with Council voting as follows:

Askren - yes; Tucker - absent; Rueger - yes;

Angel - yes; Cooper - yes.

Mayor Knowles stated the motion carried unanimously.

Councilman Cooper moved the ordinance pass final reading, with the amendment to paragraph changing the word may to shall. Seconded by Councilwoman Askren.

Mayor Knowles requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren - yes; Tucker - absent; Rueger - yes;

Angel - yes; Cooper - yes.

Mayor Knowles stated the motion carried unanimously.

Clerk-Treasurer Wolfe added it will be numbered 06-12.

Mayor Knowles stated the next item is a Fiscal Plan Resolution for Annexing Contiguous Territory to the City of Mount Vernon, Indiana. She added it is the fiscal plan/policy the proposed annexation and the plan is attached.

Ryan Harms arrived at the meeting.

Councilman Cooper moved the Council adopt said Resolution. Seconded by Councilman Rueger.

Mayor Knowles requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren - yes; Tucker - absent; Rueger - yes;

Angel - yes; Cooper - yes.

Mayor Knowles stated the motion carried unanimously.

Clerk-Treasurer Wolfe added it will be numbered 06-13.

Mayor Knowles stated the final item is the Ordinance of the Common Council of the City of Mount Vernon, Indiana, Annexing Territory to the City of Mount Vernon, Indiana, Placing the Same Within the Corporate Boundaries Thereof and Making the Same a Part of the City

of Mount Vernon. She added said ordinance is up for final reading. She then asked if there was any discussion.

There was none.

Councilman Cooper moved the ordinance pass final reading. Seconded by Councilman Angel.

Mayor Knowles requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren - yes; Tucker - absent; Rueger - yes;

Angel - yes; Cooper - yes.

Mayor Knowles stated the motion carried.

Clerk-Treasurer Wolfe added it will be numbered 06-14.

Mayor Knowles stated in the Audience and listed on the Agenda is Sarah Clark.

Ms. Clark approached the podium and stated she, and the community as a whole, have to put up with the smell of dog manure while trying to enjoy their yards. She added she has talked with the ACO and he can't really do anything but it is a health issue - if folks don't want the animals to smell it for their health, why should humans have to smell it. She wondered if there was something they could do to make people clean up the manure. She then stated she does have a neighbor that scoops his up and then tosses it over the fence. She asked what the Council can do to make people use a scoop.

Mayor Knowles replied that Ms. Clark is not the only complaint she has received in the area. She added she also receives complaints about peopling walking their dogs and letting them go in other people's yards. She then stated she and Attorney Funkhouser have looked this up and there is no ordinance on dogs going in other people's yards, just sidewalks and street.

Attorney Funkhouser added that actually it is a violation if they go NEAR a sidewalk or alley.

Councilman Rueger asked if the attorneys could look at some other communities ordinances.

Attorney Funkhouser stated he believes he probably still has the original dog ordinance in his computer.

Councilman Cooper stated has no problem at his house with this, but seeing as he lives right across the street from the school, he knows they have an issue with dogs going on the playground. He suggested the attorneys look into it, though it must also be enforceable.

Mayor Knowles stated she received a letter today from a lady who is an advocate for dogs and she feels the ordinance needs to address dogs tied out for an indefinite period of time. She assured Ms. Clark that if she received a complaint on that the ACO would be sent.

Chief Beloit replied on the tie out issue there is already an ordinance on the books for that.

Mayor Knowles stated it boils down to complaints.

Councilman Cooper again stated the attorneys should look into this.

Attorney Higgins replied she can look into it, the health issues as well concerning the smell, etc.

Ms. Clark stated the neighbor does have a big dog and soon it will be going all over the place.

Councilman Rueger stated they will draw up an ordinance on that.

Mayor Knowles agreed it would be a progressive step.

Mayor Knowles asked if anyone else in the Audience wished to address the Council ?

Joe Rutledge approached and stated he would like to talk about the east side annexation, Fire & Rescue has some concerns with it and the highways surrounding it. He added this will be a dispatch nightmare.

Councilman Cooper added that is what the Council thought in the beginning as well.

Mayor Knowles explained that the Indiana Code says a city can not ignore the highway, so the city will be taking in the highway and the bypass to the railroad tracks north.

Mr. Rutledge asked then if the city limits will go to the bypass?

Attorney Higgins replied yes, but not immediately.

Mr. Rutledge stated due to the loss of the inventory tax as well as this annexation, Fire & Rescue will be losing money on the things that they work in that area.

Mayor Knowles stated she spoke with Mr. Janak about this and they could possibly enter into an interlocal agreement with Fire & Rescue to allow them to make those runs. This would need to be discussed with both the chief of police and the fire chief.

Councilman Cooper agreed they could discuss that.

Councilman Rueger suggested two Council members meet with Fire & Rescue and discuss some of this.

Mr. Rutledge stated they do not want to suffer another loss in revenue. He then stated Fire & Rescue charges the insurance companies for haz mat clean up and that rate is set by the state fire marshal. He added the cut in revenue for Fire & Rescue could be around \$18,000 due to the annexation and loss of inventory tax..

Mayor Knowles asked if anyone else in the Audience wished to address the Council ?

There was no response.

Mayor Knowles stated they will now hear the reports of the Districts.

1st District Councilwoman Askren stated she has no report.

2nd District Councilman Tucker was absent.

3rd District Councilman Rueger stated he has no report.

4th District Councilman Angel stated he has no report.

Councilman-at-Large Cooper stated he has no report.

Mayor Knowles stated if there is no further business, she entertains a motion to adjourn.

Councilman Cooper moved the meeting be adjourned. Seconded by Councilman Rueger.

Mayor Knowles stated all those in favor of the motion should signify in the affirmative; and following the vote, she reported the motion carried unanimously and adjourned the meeting.

Rosemary L. Knowles

Mayor

ATTEST:

Cristi L. Wolfe

Clerk-Treasurer

